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U.S. DEPARTMENT OF TRANSPORTATION DOCKETS
Docket No. FAA-1999-5924 - 6
400 Seventh Street, SW
Room Plaza 40 1
Washington, DC 20590

Year 2000 Airport Safety Inspections: Proposed Rule
U.S. DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
14 CFR Part 139
[Docket No. FAA-1999-5924; SFAR No. 85-]RIN 2120-AG83

Gentlemen:

The Airports Council International-North America (ACI-NA) represents local, regional and state governing bodies that own and operate commercial airports in the United States and Canada; ACI-NA Member airports enplane more than 98 percent of the domestic and virtually all the international airline passenger and cargo traffic in North America. We are pleased to have an opportunity to comment on this proposed rule.

Background on airport Y2K efforts.

Airports have been preparing for the Y2K date rollover for several years. As part of its regulatory oversight FAA has surveyed most airports certificated under 14 CFR Part 139 to determine the status of their Y2K readiness. The background section of the NPRM acknowledges the FAA role in this area, which commenced formally with the June 1998 letter to operators of approximately 5300 public use airports and a more specific letter to all certificated airports in October 1998.

FAA has collected detailed information on the status and dates when assessment, remediation, testing and implementation to assure Y2K readiness of systems used to comply with Part 139 has been, or will be, accomplished at all certificated airports. In addition, airports have prepared, and FAA has been made aware of, contingency plans designed to assure continued fulfillment of Part 139

responsibilities in the rare event that pre-2000 testing fails to assure compliance **after** January 1, 2000. In many cases, certification has been received from the manufacturers that the equipment in question contains no computers or microprocessors and, therefore, is demonstrably not susceptible to **Y2K** failure. (FAA has previously stated that such certification would **satisfy** their concerns with **Y2K** readiness.)

For all of these reasons, we believe that the likelihood of failure on January 1, 2000, is exceedingly small. Nevertheless, we agree that prudent testing of certain critical equipment soon **after** the date rollover is a reasonable concept. However, significant portions of this proposed rule are vague, unnecessary and infeasible. The costs of compliance have not been properly assessed in the **NPRM**, the potential operational impact is high, and the potential benefit is vanishingly small.

The proposed rule is vague.

The background discussion of the proposed SFAR focuses heavily on the potential failure of ARFF equipment. However, the proposed rule also covers "Any other system or unit of equipment that the Administrator determines relies on or contains a computer or microprocessor or is used in support of the holder's compliance with part 139 requirements and is critical to the safety and efficiency of aircraft operations." The proposed rule provides, further, that "**After** consultation with each certificate holder, the Administrator will make a final determination of equipment and systems to be tested and provide written notification of this determination by October 31, 1999."

FAA has prepared and distributed to certificated airports a list of approximately 150 systems commonly owned by airports that might be susceptible to **Y2K** failure. Included on that list are approximately 48 systems that, in FAA's judgement, are considered critical to airfield operations or might be used in fulfillment of Part 139 requirements. We assume it is from among these 48 systems that the Administrator will make the final determination in October.

The number of systems potentially covered by the proposed SFAR is very large. The stated intention is to not notify airports of the systems affected by the proposed rule until long after the close of the comment period. Therefore, the rule is too vague to allow affected airports to gauge its impact, or to make preparations to comply with it.

We ask that FAA withdraw the proposed rule until such time as the affected systems have been determined, and airports are notified of the specific systems that will require testing.

Testing certain systems is not necessary and may be harmful.

As discussed above, FAA is well aware of the **Y2K** status of individual systems at certificated airports. In many cases, it has been reliably determined that critical systems contain no computers or microprocessors. The use of legacy systems, such as crystal controlled VHF communications systems, relay actuated airfield lighting switchgear, and mechanically aspirated diesel powered ARFF vehicles continue to be common at many of our Member airports. In those cases, the requirement of the proposed rule to test in the first few hours **after** midnight is clearly unnecessary. Depending on the complexity of the testing required, unnecessary testing may well divert limited resources of skilled staff to the detriment of other, more critical, **Y2K** functions,

Even in cases where microprocessors are used in support of emergency response functions, but have been determined to be **Y2K** ready through pre- January testing, operational testing in the hours immediately after midnight may not be always warranted. The discussion in the NPRM refers to systems that “. . . control access to the airfield through vehicle and passenger gates”. For gates that are used to allow emergency vehicle access to the airfield¹, the risk to the public has already been determined to be exceedingly low through pre- January testing. This risk is further reduced by the extremely low probability of an accident or incident requiring an emergency response in the first few hours after midnight. Given staff limitations, particularly at smaller airports, it may be much more prudent to position skilled personnel to respond quickly to unanticipated failures of other, more critical systems, than to be engaged at remote locations testing computer controlled access points that have already been determined to be **Y2K** ready.

Testing certain systems immediately **after** midnight may pose higher risk than deferring until later in the day. Discussions with ACI-NA Member airports indicates that many airports with flights scheduled **after** midnight have a significant portion of those flights scheduled during the first hour of the day, with decreasing activity scheduled later in the morning. If a computerized airfield lighting control systems were to fail catastrophically at the stroke of midnight, resulting in loss of airfield lighting, the effect would be immediately evident, no operational testing would be required and the impact on the traveling public from diverted flights would be unavoidable. However, it is also possible that a failure would be initiated, not when the date rolls over at midnight, but when the first change of state of the airfield lighting is executed after the date rollover. If that is the case, the very act of testing would trigger a failure that might not have otherwise occurred until later in the day when the airfield lighting configuration was first changed in response to a runway use change by ATC.

For all of these reasons we ask that FAA limit the scope and timing of operational testing to only those systems that have been determined to contain microprocessors, are relatively easy to test functionally (for example, 800 MHz radio systems or ARFF vehicles), for which testing would not divert limited staff resources during critical time periods and where later testing cannot be justified because of an immediate safety risk.

Rescinding the 48-hour grace increases the likelihood of disruption.

The proposed rule would rescind the **48-hour** grace period of Part 139.3 19(h)(3). The NPRM provides the following justification for rescinding this grace period:

The 48-hour provision is intended to allow airport operators sufficient time to acquire parts to repair a required ARFF vehicle or arrange for a replacement vehicle. As noted above, under normal conditions this is an acceptable procedure as an inoperative ARFF vehicle is a rare occurrence, and parts can be obtained quickly. However, some ARFF vehicles may rely on computers or microprocessors, and since similar models of ARFF

¹ We assume that this reference does not refer to access control systems required under Part 107.14. Any requirements to test those systems should be established by the **Office** of Civil Aviation Security under Part 107. To our knowledge, that **office** has taken the far more reasonable position that operational testing in the first few hours of the year is not necessary, in view of **Y2K** readiness determinations made during 1999 and the availability of contingency plans which allow discharge of the regulatory requirements of Part 107.14 through other means.

vehicles are widely used, a failure of even one model of ARFF equipment could affect many airports.

Elimination of the grace period will do nothing to accelerate the repair of ARFF equipment that might experience a **Y2K** failure, or to minimize the system-wide impact of failures at multiple airports that may use the same model vehicle. To the contrary, elimination of the grace period will increase the system-wide impact if airports that cannot provide for backup coverage are required to reduce ARFF index with practically no notice in the middle of the night because of an unanticipated **Y2K** failure. This would force cancellation of flights on very short notice or diversion of flights in the air that would otherwise have been allowed to continue to operate during the grace period.

Finally, given the short time available to comply with this backup provision, it is highly unlikely that sufficient redundant vehicles could be procured at any price. Even if purchase were feasible, because new equipment is more likely to contain hidden computer chips than older equipment, the provision might still not reduce the probability of **Y2K** failure.

While ARFF equipment is dispatched frequently in response to relatively minor incidents, the frequency of incidents or accidents requiring an airport's full **ARFF** discharge capability is extremely low. Given the low probability of an accident requiring full index capability occurring at any individual airport during any **48-hour** period, we ask that the current provisions of Part 139.3 19(h)(3) be retained throughout the millennium rollover period.

The requirement for backup of ARFF vehicles is of limited value and is more expensive than the NPRM contemplates.

The regulatory evaluation summary states that airports "... can relatively inexpensively and quickly make (such) arrangements" for ARFF backup. In order to meet the response time requirements of Part 139, ARFF backup vehicles need to be located on the airport in question. Traditional mutual aid agreements with municipal fire departments, although valuable aids to emergency response, in general, meet neither the response times, nor the specialized equipment requirements of Part 139.

Many airports maintain ARFF equipment in excess of the numbers required by their index as a means to minimize the effect of scheduled or unscheduled maintenance. However, airports often have only one excess piece of equipment, sometimes of the same make and model as their other vehicles. Many other airports have backup equipment arrangements, either with a nearby civil or military airport.

The proposal, as written, does not specify how many backup vehicles are required. It appears to require backup for a number of vehicles equal to the total index requirement. Few airports could provide such extensive backup through either owned spare vehicles, or equipment sharing agreements. Moreover, lender airports, that might normally be willing to accommodate a neighboring airport's temporary need for an ARFF vehicle, will be far less **likely** to divert their equipment if the **48-hour** grace period is not available to protect their own ability to fulfill Part 139 requirements.

The discussion of the economic impact of this provision incorrectly assumes that costs would be equal only to the 48-hour cost of providing backup equipment. This assumption is completely

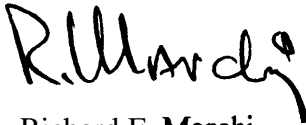
unrealistic because specialized ARFF equipment is not available for short-term lease. The cost of providing an additional vehicle is the full purchase price, **often** well in excess of \$200,000 for the types of vehicles involved.

Further, the discussion of the probability of requiring backup is incorrect. Although FAA has correctly assessed the probability of a failure as being extremely low, the rule requires that a backup vehicle be available despite the low probability of failure*. It is not correct to claim that the probability of incurring the expense is low, just because the probability of the failure is low.

Finally, we have been informed that neither ICAO nor Transport Canada contemplates operational testing of the sort required by this proposed regulation. We urge you to withdraw and revise the proposed SFAR 85 taking consideration of these comments.

Once again, thank you for the opportunity to comment on this NPRM.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Marchi' with a stylized flourish at the end.

Richard F. **Marchi**
Senior Vice President
Technical and Environmental **Affairs**

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² Unless the airport wishes to risk an immediate reduction in ARFF index, raising the possibility of service disruptions or diversions.